

EXHIBIT 16

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BY EMAIL

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August 17, 2020

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Michelle J. Martin, Esq.
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Re: *National Rifle Association of America v. Cuomo et. al*, No. 18-cv-566-TJM-CFH
(N.D.N.Y.)

Dear Ms. Martin:

We write in response to your letter of today's date.

Your letter continues to make the record of your abusive and improper discovery practice. Your demand that we respond to your letter within four hours, and produce all documents responsive to the subpoena within five days, without any limitation or meet and confer process, is a case study in disregard of the Federal Rules.

Moreover, you willfully ignore the substance of our letter, in which we explained— notwithstanding your continued refusal to meet and confer—the circumstances around each document you claim is missing. Your insistence in the face of the facts we provided, that “based on the face of the production, Everytown *still* possesses ... documents,” again makes a clear record that you are not interested in dialogue so much as inventing any pretext to rummage through Everytown's files.

You also continue to demonstrate your law firm's failure to manage cases in the face of a revolving door of lawyers. Your assertion that “even if Mr. Canoni did make a verbal, unconfirmed overture to narrow the subpoena...,” it is a meaningless event that does not bind your firm; at best that position demonstrates an abdication of your professional responsibilities. We have multiple lawyers prepared to testify about the commitments made by Mr. Canoni. He was a partner in your law firm and we expect you to live up to negotiating commitments we made with him in good faith.

And once again, you fail to provide a reasoned explanation for the additional discovery you seek or why each one of the Subpoena's Requests, without limitation, is necessary to the litigation and must be searched for and produced by Everytown. You fail to grapple with the fact that it is a third-party that is mentioned in only three paragraphs of your 122-paragraph complaint.

That said, to the extent you still seek additional discovery in response to the subpoena, we are willing to meet and confer with you tomorrow. At that meet and confer, we will explain Everytown's objections and the burdens your discovery places on our client, and you may present your additional particularized discovery needs. We are also prepared to discuss our confidentiality designations as well. Please let us know what times you are available tomorrow.

Sincerely,

s/ Caroline Hickey Zalka
Caroline Hickey Zalka